

REQUIRES MONITORING
OR STAFF ACTION _____

COMMISSION DIRECTIVE

ADMINISTRATIVE DEPT.	<input type="checkbox"/>	DATE	<u>June 22, 2004</u>
TRANSPORTATION DEPT.	<input type="checkbox"/>	DOCKET NO.	<u>2003-326-C/2003-327-C</u>
UTILITIES DEPT.	<input checked="" type="checkbox"/>	ORDER NO.	<u>2004-593</u>

SUBJECT:

DOCKET NO. 2003-326-C – Analysis of Continued Availability of Unbundled Local Switching for Mass Market Customers pursuant to the FCC’s Triennial Review Order – and - DOCKET NO. 2003-327-C – Continued availability of Unbundled High Capacity Loops at Certain Locations and Unbundled High Capacity Transport on Certain Routes pursuant to the FCC’s Triennial Review Order.
Discuss with the Commission receipt of CompSouth’s Petition for Emergency Declaratory Ruling. In addition, responses of BellSouth and Verizon in opposition have been filed.

COMMISSION ACTION:

I find that no cause exists at this time to grant the emergency declaratory relief sought by CompSouth as there is no allegation that BellSouth, or any other ILEC, has acted contrary to the provisions of their tariffs, interconnection agreements, or federal or state law, and I therefore move that CompSouth’s petition for an emergency declaratory ruling be denied at this time. However, these dockets shall remain open, and changes in circumstances may give rise to further filings by the parties.

This finding and motion is based in part on the comments from BellSouth that it will continue to honor its existing interconnection agreements until those agreements have been conformed to be consistent with US Court of Appeals for the District of Columbia’s mandate. Further Verizon, although not a party to this docket, has filed a pleading confirming that Verizon has no intention of disconnecting any CLEC’s services as a result of the Court’s ruling, unless a CLEC chooses that option; Verizon also indicates that if CLECs do not opt for commercially negotiated arrangements, that it will provide CLECs with at least 90 days’ notice after the issuance of the Court’s mandate before providing the CLECs service at resale rates which is more notice than the change of law provisions in Verizon’s interconnection agreements typically require.

PRESIDING	<u>Clyburn</u>				APPROVED	<input type="checkbox"/>
	MOTION	YES	NO	OTHER	APPROVED STC 30 DAYS	<input type="checkbox"/>
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ACCEPTED FOR FILING	<input type="checkbox"/>
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		DENIED	<input type="checkbox"/>
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		AMENDED	<input type="checkbox"/>
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		TRANSFERRED	<input type="checkbox"/>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SUSPENDED	<input type="checkbox"/>
MOSELEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		CANCELED	<input type="checkbox"/>
WRIGHT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SET FOR HEARING	<input type="checkbox"/>
					ADVISED	<input type="checkbox"/>
					CARRIED OVER	<input type="checkbox"/>
Session: Regular					RECORDED BY	<u>DKP</u>
Time of Session	<u>10:30 AM</u>					

